IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13065 of 2004

Between:

Kangala Venkaiah, S/o. Pothaiah,
Scheduled Tribe, R/o. Samithi Singaram Village, Manuguru Mandal, Khammam District.

..... PETITIONER

AND

1 Special Deputy Collector, (Tribal Welfare) Bhadrachalam, Khammam District.
2 The Mandal Revenue Officer, Manuguru, Khammam District.
3 Posem Narsimha Rao, S/o. Late Sarvaiah,
R/o. Bandarugudem, Manuguru, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders passed by the 1st respondent to the extent of the petitioner land in question to an extent of Ac.0-161/2 guntas in Case No.473/1998/MGR dt. 11-11-2002 for eviction in land Sy.No.138/1680(Old), Sy.No. 138/21(New) the total extent of 2 Acres of Manuguru, Khammam district, is illegal and void, without notice is opposed to Article 14, 19. 21 and 300-A of the Constitution of India and consequently to direct the 1st respondent to pass appropriate orders by due process of law.

Counsel for the Petitioner: MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondent Nos. 1&2 : GP FOR SOCIAL WELFARE

Counsel for the Respondent No.3: ---

The Court made the following ORDER:

The petitioner is a third party to the impugned proceedings dated 11.11.2002. The said impugned order was issued by the Special Deputy Collector (Tribal Welfare), Bhadrachalam for ejectment of Sri Danthaluri Satyanarayana Raju and restoration of possession of land of an extent of Ac.2.00 situated in Survey No.138/1680 of Manugoor village of Khammam District. The petitioner contends that out of the above Ac.2.00 of land, he purchased 16½ guntas of land from the original owner Sri Posham Narasimha Rao. Therefore, he is seeking permission of this Court to file the present writ petition questioning the impugned order dated 11.11.2002.

After hearing both the counsel, it is noticed that the petitioner did not exhaust the statutory remedy of appeal before the Project Officer, I.T.D.A and directly approached this Court with this writ petition. Since, the petitioner did not exhaust the statutory remedy of appeal, this writ petition cannot be maintained.

The writ petition is accordingly dismissed, giving liberty to the petitioner to approach the Project Director, I.T.D.A by way of preferring an appeal against the impugned order dated 11.11.2002. No costs.

_____

Dr. G.YETHIRAJULU,J

va

To

1 Special Deputy Collector, (Tribal Welfare) Bhadrachalam,
Khammam District.

2 The Mandal Revenue Officer, Manuguru, Khammam District.
3 Two CCs to G.P. for Social Welfare, High Court of A.P. Buildings,
Hyderabad(OUT)

4 Two CD Copies